

## Message Text

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ORIGIN EA-14

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DRAFTED BY EA/K:EHKELLY:DPW

APPROVED BY EA - MR. SNEIDER

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- MR. LEITZELL

WHITE HOUSE: MGEN SCOWCROFT

JCS - MR. VANDEGRIFT

JCS - COL. ADAMS

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FM SECSTATE WASHDC

TO AMEMBASSY SEOUL NIACT IMMEDIATE

CINCUNC

INFO CINCPAC

S E C R E T STATE 249865

E.O. 11652: GDS

TAGS: MARR, MOPS, PBOR, KS, KN

SUBJ: ROKG LEGAL MEMORANDUM ON NORTHWEST COASTAL INCIDENTS

REF: A. SEOUL 8574; B. SEOUL 8575

JOINT STATE/DEFENSE MESSAGE

1. CONCUR IN REACTION TO PROPOSED MEMORANDUM. ALTHOUGH ROKG MAY ISSUE MEMO UNILATERALLY, USG (UNDER UNC ROLE) WILL BE CALLED UPON TO DEFEND CONTENTS AT MAC MEETINGS AND POSSIBLY ELSEWHERE. ACCORDINGLY, WE HAVE VALID GROUNDS FOR INSISTING THAT OUR VIEWS BE TAKEN INTO CONSIDERATION PRIOR TO RELEASE. FOLLOWING ARE MORE DETAILED COMMENTS FOR TRANSMITTAL TO MOFA.

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2. USG AND ROKG MUST BE IN COMPLETE ACCORD ON PUBLIC POSITIONS, PARTICULARLY AS THEY RELATE TO THE ARMISTICE AGREEMENT. IF ROKG TAKES PUBLIC LINE THAT WE CANNOT SUBSEQUENTLY DEFEND UNDER OUR INTERPRETATION OF ARMISTICE AGREEMENT, NORTH KOREA WILL BE QUICK TO EXPLOIT DIVERGENCES EITHER APPARENT OR REAL.

3. WE HAVE RESERVATIONS ABOUT MOFA'S ATTEMPT TO GIVE NLL VALIDITY AS A "RESPECTED" ELEMENT OF "ARMISTICE REGIME" WHICH HAS DEVELOPED OVER PAST 20 YEARS. WE ARE AWARE OF NO EVIDENCE THAT NLL HAS EVER BEEN OFFICIALLY PRESENTED

TO NORTH KOREAS. WE WOULD BE IN AN EXTREMELY VULNERABLE POSITION OF CHARGING THEM WITH PENETRATIONS BEYOND A LINE THEY HAVE NEVER ACCEPTED OR ACKNOWLEDGED. ROKG IS WRONG IN ASSUMING WE WILL JOIN IN ATTEMPT TO IMPOSE NLL ON NK.

4. IF ROKG PROCEEDS WITH MEMO IT SHOULD BE REVISED ALONG FOLLOWING LINES TO AVOID SITUATION ANTICIPATED PARA TWO.

5. PARA L (A) OF REFTTEL B IS ACCEPTABLE RESTATEMENT OF NK POSITION. PARA L (B) SHOULD BE REVISED ALONG FOLLOWING LINES. "SINCE OCTOBER 23, 1973, NORTH KOREAN NAVAL VESSELS HAVE BEGUN CARRYING OUT A SERIES OF PROVOCATIVE NAVAL MANEUVERS IN THE CONTIGUOUS WATERS OFF THE FIVE ISLAND GROUP. IN PARTICULAR, THE NORTH KOREANS NAVAL VESSELS HAVE ILLEGALLY INTRUDED, ON NINE DIFFERENT OCCASIONS, TO POINTS RANGING FROM 5,000 TO 1,000 RDS IN THE CONTIGUOUS WATERS OFF THE SAID ISLANDS DURING THE PERIOD FROM NOVEMBER 19 TO DECEMBER 19, 1973. MOREOVER, NORTH KOREAN VESSELS HAVE BEGUN TO DANGEROUSLY HARASS VESSELS IN TRANSIT TO THESE SAID ISLANDS EVEN THOUGH THE TRANSITING VESSELS HAVE FOLLOWED A LONGER, MORE INDIRECT COURSE WHICH KEEPS THEM BELOW THE NORTHERN LIMIT LINE (NLL). THIS LINE WAS ESTABLISHED BY THE UNC SIDE SOON AFTER THE ARMISTICE IN AN EFFORT TO AVOID POTENTIAL CONFRONTATION BY KEEPING UNC NAVAL AND CIVILIAN VESSELS SUFFICIENTLY CLEAR OF NORTH KOREAN SHORELINES TO AVERT INCIDENTS. THE WISDOM OF THIS PRUDENT MEASURE HAS BEEN DEMONSTRATED BY THE ABSENCE OF SERIOUS INCIDENTS UP UNTIL

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THE BEGINNING OF RECENT NORTH KOREAN MANEUVERS. END QUOTE.

6. PARA 2(A) AND (B) REQUIRE NO CHANGE.

7. PARA 2(C) SHOULD BE DELETED.

8. IN PARA 3(A) THE VAGUE PHRASE "SEA AREA" SHOULD BE CHANGED TO "CONTIGUOUS WATERS".

9. PARA 3(C) SHOULD BE REVISED AS FOLLOWS: QUOTE THE NORTHERN LIMIT LINE HAS PLAYED AN IMPORTANT ROLE IN PRESERVING PEACE IN THE WATERS FOR THE PAST TWENTY YEARS. THE RECENT NORTH KOREAN HARASSMENT OF VESSELS BELOW THAT LINE, CAN ONLY BE REGARDED AS NEW MILITARY PROVOCATIONS LAUNCHED BY THE NORTH KOREANS FOR THE PURPOSE OF DISRUPTING THE LONG EXISTING AND STABLE SITUATION IN DEFERENCE OF THE SPIRIT AND PROVISIONS OF THE ARMISTICE AGREEMENT. END QUOTE.

10. IN PARA 4(B) THE WORDS "ARMISTICE REGIME" SHOULD BE DELETED AND THE WORDS " PEACE AND STABILITY OF KOREA" INSERTED.

11. IN SUM, YOU SHOULD INFORM MOFA THAT WE CONSIDER THE MEMO WILL HAVE LITTLE PUBLIC IMPACT. WE ARE MAINLY INTERESTED IN RESOLVING PROBLEM AND ARE INCLINED TO BELIEVE THAT THE WORDING AND TONE OF ROKG MESSAGE, UNLESS AMENDED AS ABOVE, WILL EXACERBATE THE DISPUTE. THE ROKG SHOULD UNDERSTAND THAT OUR POSITION WILL BE DETERMINED SOLELY BY THE TERMS OF THE ARMISTICE AGREEMENT WHICH MAKES NO REFERENCE TO NLL. RUSH

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